

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Jarek Molski, et al.,

NO. C 04-01945 JW

Plaintiff(s),

**ORDER TO SHOW CAUSE
RE: SETTLEMENT**

v.

Morgan Hill 76, et al.,

Defendant(s).

On August 9, 2005, attorney for the Plaintiffs, Jessica A. Dayton, informed the Court that the above-entitled matter has reached a settlement. In light of the settlement, the Court vacates all trial and pretrial dates. On or before **October 17, 2005**, the parties shall file a stipulated dismissal pursuant to Federal Rule of Civil Procedure 41(a).

If a dismissal is not filed by the specified date, all parties shall appear in Courtroom No. 8, 4th Floor, United States District Court, 280 South First Street, San Jose, Ca. on **October 31, 2005** at 9:00 a.m. and to show cause, if any, why the case should not be dismissed pursuant to Fed. R. Civ. P. 41(b). On or before **October 24, 2005**, the parties shall file a joint statement in response to the Order to Show Cause. The joint statement shall set forth the status of the activities of the parties for finalizing the settlement and how much additional time is requested to finalize and file the dismissal. If a voluntary dismissal is filed as ordered, the Order to Show Cause hearing will be automatically vacated.

Failure to comply with any part of this Order will be deemed sufficient grounds to dismiss this

United States District Court
For the Northern District of California

1 action.

2
3 Dated: August 26, 2005

/s/ James Ware

JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Jessica Dayton jdayton@disabilitieslaw.com
3 Stephen Thomas Erb s.erb@erbapc.com
4 Thomas E. Frankovich tfrankovich@disabilitieslaw.com
Thuy Minh-Ha Hoang thoang@disabilitieslaw.com

5 **Dated: August 26, 2005**

Richard W. Wieking, Clerk

6
7 **By: /s/ JW Chambers**
8 **Ronald L. Davis**
9 **Courtroom Deputy**